Traditional

Constitutions and Bylaws

Of the

Native Village of Kasigluk

[Kasigluk Traditional Council]

December 2008

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Of the

Native Village of Kasigluk, Alaska

[Kasigluk Traditional Council]

PREAMBLE

We, the Native People of Kasigluk in order to protect our way of life and more effectively govern ourselves and our relationship to all other governments and people of our planet Earth, hereby record into words, our Constitution.

ARTICLE I – Community

The name of this community shall be the Kasigluk Native Community *(hereinafter referred to as 'Kasigluk')* as governed by the Kasigluk Traditional Council

ARTICLE II – Territory

The jurisdiction of Kasigluk shall extend to all lands constituting the Community of Kasigluk, Alaska, as defined by federal law, and to such other lands as may hereafter be added to the Native Village of Kasigluk, under any law of the United States of America, or in any other manner.

ARTICLE III – Membership

Section 1. Upon enrollment, all persons whose names shall appear on the census roll being all members of this village, residing in Kasigluk, shall be members of this community.

Section 2. (a) New members. All children of any member who is resident of Kasigluk shall be members of this community.

(b) Any person/s who becomes a resident of Kasigluk may be adopted by the Council by a majority vote in it's regularly called meeting.

Section 3. Qualifications. All children born to members, having one-fourth (1/4) degree of Alaska Yup'ik and/or Indian blood or more, shall be eligible for membership in 'Kasigluk'.

ARTICLE IV – Rights of Members

Section 1. Upon enrollment, all persons whose names shall appear on the census roll being all members of this native village, residing in Kasigluk, shall be members of this community.

Section 2. The People of Kasigluk embrace the freedom guaranteed in the *'Indian Civil Rights Act'*, both for themselves and others within their jurisdiction.

Section 3. The consent of a majority of Kasigluk members, including those over the age of eighteen (18) years, shall be required prior to the sale, disposition, lease or encumbrance of Kasigluk lands, interests in lands or other Kasigluk assets, as provided in *Article VI, Part B, Section 2,* herein.

Section 4. This Constitution shall not affect the rights and privileges of the members of the community as citizens of the State of Alaska or the United States of America.

Section 5. The individual property rights of any member of Kasigluk shall not be affected by the provisions of this Constitution.

Section 6. Community members shall, in respectful way, have the right to question the work of the Council, including it's records.

ARTICLE V – Governing Body
[Powers, Composition and Qualifications]

Section 1. Name. The governing body of the Kasigluk Native Community shall be the Kasigluk Traditional Council.

Section 2. Powers. The governing powers of Kasigluk Traditional Council shall rest in the Council and Elders, which shall hold it's sessions at Kasigluk.

Section 3. Composition. The Council shall be composed of seven (7) members, a President, Vice President, Secretary/Treasurer, and four (4) members elected at-large by a secret ballot of a majority of the eligible voters of Kasigluk voting in a council election:

(a) Be eighteen (18) years of age, or older.
(b) Have conducted themselves in a way which does not bring negative reflection upon the dignity and integrity of the people and KTC.
(c) Have resided within Kasigluk thirty-six (36) months prior to the elections.
(d) Be a member of the Native Community of Kasigluk.

ARTICLE VI – Governmental Powers
Part A: Power of the Council

Section 1. Scope of Power. Except as otherwise provided in this Constitution, all governing powers of Kasigluk shall be vested in the Kasigluk Traditional Council, Elders and Tribal Chief:

(a) To represent and protect the Native Village of Kasigluk in all matters that concern the peace, safety, health and general welfare of Kasigluk and to make decisions not inconsistent with or contrary to this Constitution.

(b) To determine procedures of the Kasigluk Traditional Council.

(c) To take necessary and proper measures to implement and administer it's decisions, policies and laws.

(d) To obtain legal title to land and property through purchase, gift, exchange, grant, testamentary disposition or otherwise.

(e) With tribal membership consent, as provided in *Article VI, Part B, Section 2;* to legally encumber, contract, lease, permit, sell, assign, manage, hold, own, dispose of, or provide for the management of Kasigluk Lands, interests within or outside of Kasigluk, or other assets; and, to regulate the use and disposition of Kasigluk property of all kinds.

(f) To protect and preserve the property, wildlife and natural resources of Kasigluk and it's members.

(g) To employ legal council for the protection and advancement of the Rights of Kasigluk and it's members.

(h) To enact laws establishing and governing a Justice system, including provisions for courts or other conflict resolution mechanism and law enforcement.

(i) To negotiate cooperative agreements with Native Corporations, organizations and government agencies on all activities that may affect Kasigluk.

(j) To join with other Native communities to form governmental associations, confederations, unions or other type of regional governance organizations subject to referendum by Kasigluk members.

(k) To join and/or charter and regulate community enterprises, housing authorities, educational boards and systems, cooperative organizations, corporations, associations and subordinate organizations.

(l) To delegate any of the powers under *Article VI, Part A, Section 1,* to subordinate officers, courts, committees or cooperative associations.

(m) To issue licenses, permits, bonds and to levy and collect taxes, fees and assessments for community purposes upon individuals and profit and non-profit businesses, corporations and associations operating and/or conducting business within Kasigluk jurisdictional limits.

(n) To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriate estimates for all projects which are for the benefit of members of Kasigluk prior to the submission of such estimates to the Office of Management, and Budget and to the Congress.

(o) To exercise such other powers as may be inherent in the sovereignty of Kasigluk.

(p) The Kasigluk Traditional Council and Elders shall be the final arbiter of disputes concerning interpretations of this Constitution.

Section 2. Powers Not Expressly Stated. Any rights and powers which Kasigluk may have from the past, but which are not expressly referred to in this Constitution shall not be lost by any reasons of their omission, but may be exercised by the Council through the adoption of appropriate amendments to this Constitution.

Part B: Powers of the Community Assembled

Section 1. Assembled. The Community shall be properly assembled when, upon due notice by the President, or a majority of the Council, a quorum of fifteen (15%) percent of the eligible voters meet in session for a stated purpose.

Section 2. Community Vote. Whenever the Community is properly assembled and a quorum is present and action taken within the scope of powers indicated in *Part A, Section 1* of this Article by majority vote of the eligible voters voting shall bind the Community and the Council, even if the action repeals a previous action of the Council.

ARTICLE VII – Elections

Section 1. Election Board. An Election Board, appointed by the Council, shall conduct, supervise and administer all Kasigluk elections in accordance with Kasigluk Laws and in conformity with this Constitution.

Section 2. Voting Qualifications. Any member of Kasigluk shall have the right to vote in any village election or meeting, provided that said member is at least eighteen (18) years of age at the time of the election or meeting and is a resident member of Kasigluk.

Section 3. Secret Ballot. Members of the Council and all other elected officials of Kasigluk shall be chosen by secret ballot.

Section 4. Election Law. An election law shall be adopted by the Council within six (6) months following the effective date of this Constitution, with amendments made as necessary. Provisions shall also be included in the election law regarding the conduct of recall and referendum elections and a method for submitting petitions. Elections to amend this Constitution shall be conducted in accordance with *Article XII* of this Constitution.

Section 5. Council Seat Terms. For the first year of elections, the terms will be staggered to: two (2) seats to one (1) year terms; two (2) to two (2) year terms and three

(3) seats to three (3) year terms. After each seats expire, they will turn into three (3) year seats until all three (3) seats all turn into three (3) year seats, making the three (3) seats staggered.

Section 6. Any member of the Kasigluk Traditional Council, who apply and is selected for employment under Kasigluk Traditional Council, or any employment position that will be providing services to Tribal members supervised by Kasigluk Traditional Council shall be given a choice to resign their seat or employment. Kasigluk Traditional Council members will have the right to apply for temporary employment only. Newly elected members will be grandfathered into their employment if employment is temporary.

ARTICLE VIII
Removal, Recall, Forfeitures and Vacancy from Office

Section 1. Removal. Any member of the Council or elected officer of Kasigluk Traditional Council shall be removed from office by a secret majority vote of the Council upon determination by the Council that the member is guilty of misconduct reflecting on the dignity and integrity of Kasigluk People or government. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against him or her, at least five (5) days before the meeting of the Council before which s/he is to appear before the Council. The Council shall proceed with the vote as scheduled. No member of the Council shall preside over the meeting at which his or her removal is being considered. The accused shall have the right to cast a secret ballot.

Section 2. Recall. Upon the receipt and filing with the Secretary-Treasurer of the Council of a petition demanding the recall of any member of the Council or elected officer, which petition shall be signed by at least twenty-five (25) percent of the eligible voters, it shall be mandatory for the Council to call a special election on the question of the recall of said elected official.

(a) Within thirty (30) days after receipt of a valid recall petition, the Council shall conduct an election to consider the recall of the member or officer named in a petition.

(b) No member or officer may be recalled unless a majority of the members voting vote in favor of the recall.

(c) The election shall be conducted pursuant to the election law. Once an individual has been subjected to recall proceedings, s/he shall not again be subjected to such an action during the balance of his or her term of office or for one (1) year, whichever comes first.

(d) The Council, by law, shall provide for additional rules, regulations and procedures for recall.

Section 3. Forfeiture. If any member of the Council shall die, resign or be absent for three consecutive meetings, without being excused by the Council, said member automatically forfeits his or her office.

Section 4. Vacancy. In the event of vacancy for any cause, the unexpired term of a Council member or officer shall be filled by a qualified person, appointed by a majority vote of the Council to fill the vacancy at it's next meeting and said replacement shall serve the unexpired term of office.

ARTICLE IX – Duties of Officers

Section 1. Assumption of Office. Newly elected officers shall assume their respective offices and duties immediately upon being elected and sworn in.

Section 2. President and Vice President. The President of the Council shall preside at all meetings of the Council in the community, and shall have the right to vote on any issue of the Council or the community. The President shall have such other powers and duties as are not inconsistent with this Constitution and as may be assigned from time to time by the Council. The Vice President of the Council shall possess powers of the President, if the latter is absent.

Section 3. Executive Director. An Executive Director shall be appointed by the Council and shall exercise general executive responsibility for all other officers and employees, to be determined by the Council, by law, after the adoption of this Constitution.

Section 4. Assistant Executive Director. In the absence of, or at the direction of the Executive Director or the Council, the Assistant Executive Director shall have all the powers, privileges and duties of the Executive Director.

Section 5. Secretary-Treasurer. The Secretary-Treasurer shall act as Executive Director or Assistant Executive Director, subject to law, as directed by the Council within sixty (60) days of the adoption of this Constitution.

Section 6. Appointed Officers. The duties, scope of employment, responsibilities, term of office and salary of all officers appointed by the Council shall be set by the Council at the time of the appointment of officers.

Section 7. Blanket Bond. A blanket bond, satisfactory to the Council and commensurate with the financial responsibilities handled by the Kasigluk Council member, official, authorized representative of all members shall be filed and paid for annually from Kasigluk General Funds.

ARTICLE X – Meetings

Section 1. Regular meetings of the Council shall be held monthly, the date, time and place to be designated by the Council, with public notice given at least three (3) days in advance of each meeting. Special meetings of the Council may be called by the

Executive Director, or any member of the Council. When so called, the Council shall have the power to transact business as in regular meetings, provided that a quorum is present. Attendance at any meeting shall act as prior notice of said meeting.

Section 2. A quorum of the Council shall consist of four (4) members of the Council. No business shall be transacted unless a quorum is present, however those present may organize into an 'ad hoc committee': To consider items on the agenda and to make recommendations for consideration at the meeting when a quorum is present.

Section 3. All meetings in Kasigluk shall be conducted by rules and procedures for the orderly conduct of business, as the Council may determine.

Section 4. Annual Meetings. Annual meetings of the general membership of Kasigluk shall be held annually. The date, time and place of said meetings shall be determined by the Council and publicly broadcasted at least ten (10) days prior to said meetings. Special meetings of the general membership may be called by the Executive Director upon receipt of a petition signed by at least twenty-five (25%) percent of the members of Kasigluk.

Section 5. A quorum of the general membership shall consist of twenty-five (25%) percent of Kasigluk.

Section 6. The Council shall provide for further rules and regulations governing Kasigluk meetings.

ARTICLE XI – Popular Participation in Government [Initiative Referendum]

Section 1. Initiative. Any matter of legislative concern to Kasigluk may be presented for action by the voters to determine whether it may be adopted or rejected, provided a petition signed by at least twenty-five (25%) percent of the eligible voters of Kasigluk, or upon the request of a majority of the members of the Council shall be submitted by the Council to a popular referendum to be call and held within thirty (30) days of the date of the filing or request.

Section 2. Referendum. Upon the filing of a petition with the Secretary-Treasurer of the Council, signed by at least twenty-five (25%) percent of the eligible voters of Kasigluk, or upon the request of a majority of the members of the Council shall be submitted by the Council to a popular referendum to be called and held within thirty (30) days of the date of the filing or request.

Section 3. Law. The Council, by law, shall provide for additional rules and regulations concerning initiatives and referendums within six (6) months of the adoption of this Constitution.

ARTICLE XII – Constitutional Amendments

Section 1. This Constitution may be amended by a majority vote of the eligible voters of Kasigluk voting at an election called for that purpose by the Council, provided tbat at least twenty-five (25%) percent of those entitled to vote shall vote in such election.

Section 2. It shall be the duty of the Council to call an election for any purpose amendment at the request of a majority of the Council or upon the presentation of a petition signed by at least twenty-five (25%) percent of the eligible voters of Kasigluk.

ARTICLE XIII – Saving Clause

All previous laws, ordinances and resolutions of the Council shall remain in effect to the extent they are not inconsistent with this Constitution.

CERTIFICATE OF ADOPTION

We, the Native Members of Kasigluk having duly met at a regularly called meeting, do hereby certify that we were present at an election called for the purpose of adopting these Constitutions and Bylaws on November 4, 2008; that the foregoing instrument was duly adopted at such election by a vote of 70 for and 0 against, where at least twenty-five (25%) percent of those entitled to vote cast their ballots.

Esai Twitchell Jr.
Mr. Esai Twitchell Jr.
President/Chairman

Leona M Brink
Mrs. Leona Brink
Tribal Chief

November 21, 2008
Date

CERTIFICATION

Passed and adopted by the Kasigluk Traditional Council, of which a quorum was present, with a vote of 6 yes; 0 no; and 0 abstaining, on this 29th day of December, 2008.

Esai Twitchell Jr.
Mr. Esai Twitchell Jr.
President/Chairman

Leona M Brink
Mrs. Leona Brink
Tribal Chief